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The system of claim 22, wherein the lancet device includes a lancet holder and only the lancet holder is inserted into the opening to remove a lancet from the lancet magazine.

Sub 42
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~~The system of claim 22, wherein the opening has a conical shape.~~

Sub 47
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The system of claim 22, wherein each of the plurality of lancets includes a lancet body having opposed recesses configured to engage the lancing device.

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The system of claim 22, wherein each of the plurality of lancets includes a pin configured to prevent the lancet from being displaced in the lancet magazine when the lancing device is inserted.

REMARKS

Introductory Comments

Prior to this Amendment, claims 22-32 are pending in the above-referenced application. In the April 4, 2001 Office Action, Examiner Ngo rejected claims 22-25 and 27-29. Applicants have carefully reviewed this Office Action and respectfully traverse the Examiner's rejections.

Applicants acknowledge with appreciation the Examiner's indication that claims 26, 31, and 32 would be allowable if rewritten in independent form. In addition, Applicants have added new dependent claims 33-41, which depend from independent claim 22. Accordingly, after this Amendment, claims 22-41 are pending in the above-referenced application.

Claim Objections

Claims 26, 31, and 32 are amended to place them into independent form in accordance with paragraph 10 of the Official Action, and not to overcome any prior art. Applicants respectfully request that claims 26, 31 and 32 be allowed.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 22-25 and 27-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nguyen et al., U.S. Patent No. 5, 829,589. Nguyen et al. relates to a needle storing and dispensing apparatus for use with syringes and medication delivery pens. (Col. 2 lines 31-

34). According to the Examiner, Nguyen et al. discloses “a transport device 30” (paragraph 8 of the Official Action). However, it is clear from the specification and drawings of Nguyen et al. that the purported “transport device” is merely a container. As disclosed in Nguyen et al., “container 30 includes a plurality of cavities 31 ... with each cavity 31 dimensioned to receive a pen needle assembly 100.” (Col. 3, lines 51-53, emphasis added). Nguyen et al. does not disclose, teach, or suggest “a transport device adapted to transport lancets” as particularly recited in independent claim 22. Therefore, Applicants respectfully submit that claim 22, and claims 23-25 and 27-29 depending therefrom, are patentable over Nguyen et al.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 22-25, 27 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Braginetz, U.S. Patent No. 3,833,146. Braginetz relates to a magazine for razor blade cartridges which serves as a dispenser of new cartridges and a receptacle for used cartridges. (Col. 1 lines 4-6). According to the Examiner, Braginetz discloses a “transport device” 42 (paragraph 9 of the Official Action). However, as disclosed in Braginetz, the so-called “transport device” is a portion of spring member 40, “which is bifurcated to form two laterally spaced leaf members or fingers 42.” (Col. 3 lines 3-4). The “fingers 42 have their ends formed with a rearward return bend to provide the free pressure blade stack engaging element 43.” A second engaging element 45 is provided by fingers 44. (Col. 3 lines 5-12).

The “stack of cartridges assumes a floating position between the opposed pairs of spring pressure elements 43 and 45 as indicated in FIG. 8. The character of the spring parts and their relative biasing effort on the cartridge stack is such as to prevent normally outward movement through either of the openings 19 or 22.” (Col. 3 lines 39-44, emphasis added). Thus, the spring pressure elements 43 and 45 of fingers 42 and 44 hold the cartridge stack in a “normal static condition” (Col. 3 lines 65-67).

Braginetz does not disclose, teach or suggest “a transport device adapted to transport lancets” as particularly recited in independent claim 22. Therefore, Applicants respectfully submit that independent claim 22 and claims 25, 27 and 30 depending therefrom are patentable over Braginetz.

New Claims


New dependent claims 33-41 are added to depend from independent claim 22, which Applicants believe is patentable over Nguyen et al. and Braginetz. Accordingly, Applicants respectfully submit that new claims 33-41 are patentable over Nguyen et al. and Braginetz.

Final Remarks

All of the pending claims 22-41 of the above-noted application are believed to be in condition for allowance. Applicants respectfully request that the Examiner so find and issue a Notice of Allowance in due course. The Examiner is asked to call Applicants' attorney, Christine E. Mayewski Orich at 317-684-5414, or James A. Coles at 317-684-5251, to address any outstanding issues in order to expedite the prosecution of this application for all parties.

If necessary, Applicants request that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account No. 02-3223.

Respectfully submitted,



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26. (Amended) [The system of claim 22 wherein] A system that is suitable for collecting a body fluid from a region of the body of a person to be examined, the system comprising:

a lancing device which is suitable for holding a lancet;

a lancet magazine for storing a plurality of lancets, the lancet magazine comprising a transport device adapted to transport lancets and an opening into which the lancing device can be inserted to remove an individual lancet from the lancet magazine; and

a second opening through which protective sheaths of the lancets can be ejected [is] located in the lancet magazine in addition to the opening into which the lancing device can be inserted to remove a single lancet from the lancet magazine.

31. (Amended) [The system of claim 22 wherein] A system that is suitable for collecting a body fluid from a region of the body of a person to be examined, the system comprising:

a lancing device which is suitable for holding a lancet;

a lancet magazine for storing a plurality of lancets, the lancet magazine comprising a transport device adapted to transport lancets and an opening into which the lancing device can be inserted to remove an individual lancet from the lancet magazine; and

a pin [is present] located in the opening of the lancet magazine into which the lancing device can be inserted to remove a single lancet from the lancet magazine, [and] wherein the pin engages in a guide groove in the tip of the lancing device which is inserted into said opening and thus causes a rotation of the lancing device or a part of the lancing device about its longitudinal axis.

32. (Amended) [The system of claim 22 wherein] A system that is suitable for collecting a body fluid from a region of the body of a person to be examined, the system comprising:

a lancing device which is suitable for holding a lancet;

a lancet magazine for storing a plurality of lancets, the lancet magazine comprising a transport device adapted to transport lancets and an opening into which the lancing device can be inserted to remove an individual lancet from the lancet magazine;

a guide groove [is present] located in the opening of the lancet magazine into which the lancing device can be inserted to remove a single lancet from the lancet magazine; and

[wherein] a pin [is provided] located in the tip of the lancing device which is inserted into said opening so that the pin engages the guide groove and thus causes a rotation of the lancing device or a part of the lancing device about its longitudinal axis.



MARKED-UP VERSION OF ABSTRACT

[The present invention concerns a] A system suitable for collecting a body fluid, in particular blood from a body region of a person to be examined [comprising] which comprises a lancing device which is suitable for holding a lancet, a lancet magazine for storing two or several lancets which has a transport device for the lancets and has an opening into which the lancing device can be inserted to remove a lancet from the lancet magazine, and two or several lancets[.], and which comprises

[The invention in addition concerns] a method for removing a lancet from a lancet magazine in which a lancet located in the lancet magazine is manually or automatically transported into a removal position in the interior of the lancet magazine, a lancing device is partially inserted into the opening provided in the lancet magazine in the process of which the lancing device automatically grips the lancet located in the removal position when it is partially inserted and the lancing device with the gripped lancet is removed from the lancet magazine.

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